

Senate Bill No. 124

Passed the Senate September 4, 2009

Secretary of the Senate

Passed the Assembly August 31, 2009

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2009, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Section 42407 of, and to add Chapter 3.4 (commencing with Section 39640) to Part 2 of Division 26 of, the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

SB 124, Oropeza. Air pollution: schoolbus idling and idling at schools.

Existing law designates the State Air Resources Board as the state agency charged with coordinating efforts to attain and maintain ambient air quality standards. Existing law also designates the state board as the state agency with the primary responsibility for the control of vehicular air pollution. Existing law requires the state board to identify toxic air contaminants that are emitted into the ambient air of the state, and requires the state board to establish toxic control measures for toxic air contaminants. Existing regulations adopted by the state board establish toxic control measures to limit schoolbus idling and idling at schools. Those existing regulations require drivers of schoolbuses, transit buses, school pupil activity buses, youth buses, general public paratransit vehicles, as those terms are defined in the regulations, and specified transit buses and commercial motor vehicles to, among other things, turn off the bus or vehicle engine upon stopping at or within 100 feet of a school, prohibits those drivers from turning the bus or vehicle engine on more than 30 seconds before beginning to depart from a school or within 100 feet of a school, and prohibits those drivers from causing the bus or vehicle to idle for more than 5 consecutive minutes or 5 aggregate minutes in any one hour at any location greater than 100 feet from a school. Those existing regulations provide that any violation of those requirements subjects the driver or the motor carrier to a minimum civil penalty of \$100 and to criminal penalties. Those existing regulations authorize the state board, peace officers and the authorized representatives of their law enforcement agencies, and air quality management districts and air pollution control districts, to enforce those provisions.

This bill would increase the minimum civil penalty for a violation to \$300 and authorize additional civil penalties.

The people of the State of California do enact as follows:

SECTION 1. Chapter 3.4 (commencing with Section 39640) is added to Part 2 of Division 26 of the Health and Safety Code, to read:

CHAPTER 3.4. SCHOOLBUS IDLING AND IDLING AT SCHOOLS

39640. The purpose of this chapter is to reduce public exposure, especially schoolage children's exposure, to diesel exhaust particulate matter and other toxic air contaminants by limiting unnecessary idling of vehicular sources.

39641. The state board has adopted regulations establishing toxic control measures to limit schoolbus idling and idling at schools.

39642. The regulations described in Section 39641 may be enforced by the state board, peace officers, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of the Penal Code, and their respective law enforcement agencies' authorized representatives, and the air districts. A violation of any provision of the regulations described in Section 39641 is subject to a minimum civil penalty of three hundred dollars (\$300), additional civil penalties as provided in Section 39674, and to criminal penalties as provided in Article 3 (commencing with Section 42400) of Chapter 4 of Part 4.

SEC. 2. Section 42407 of the Health and Safety Code is amended to read:

42407. Except as provided in Chapter 3.4 (commencing with Section 39640) of Part 2 and Sections 40720 and 42403.5, this article is not applicable to vehicular sources.

Approved _____, 2009

Governor